

REMARKS

The Office Action dated July 14, 2005 has been received and carefully considered. Amended claims 1-5 and 8-11, and new claims 12 to 20, are offered for reconsideration. The above amendments and the following remarks are submitted as a full and complete response to the Office Action. No new matter has been entered.

The applicant gratefully acknowledges the indication, on page 5 of the Office Action, that claims 7, 8 and 11 have been considered to present allowable subject matter. Amended claim 1 combines the subject matter of original claims 1, 6 and 7, whereas new claim 12 combines the subject matter of original claims 1, 6 and 8. Accordingly, in terms of the recited subject matter, it is respectfully submitted that amended claims 1-5 and 8-11, and new claims 12 to 20, should be in condition for allowance.

The drawings were objected to allegedly as failing to show every feature of the invention specified in the claims. In particular, the Examiner regards the features, wherein the adjusting member and rotatable member are disposed "in the cylinder body" or wherein such members are disposed in both the "cover member and the cylinder body," not to be shown in the drawings.

Rather than providing additional drawings to show such features, the claims have been amended to remove any specific mention that the adjusting member and rotatable member are necessarily disposed in the "cover member and/or cylinder body."

More specifically, as presently amended, the claims simply state, more broadly, that the adjusting member and rotatable member are installed "within the cylinder apparatus," a feature which is certainly shown in the drawings in their present form. Hence, amendments to the drawings are not considered necessary and withdrawal of the objection to the drawings is respectfully requested.

Turning to other matters raised in the Office Action, with respect to the specification objection, the terminology "cylinder tube 14" on page 9, line 20, of the specification has been amended to --cover member--, as required by the Examiner.

In response to the claim objections, and in particular the objection to claim 1, line 12, the claim has been revised to state that the adjusting member is displaceably screwed within the cylinder apparatus (changing the term "with" to --within--), as suggested by the Examiner. Such revised wording has also been incorporated in new claim 12. Reconsideration and withdrawal of the objection is respectfully requested.

Claim 5 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner contends that the limitations "first bypass passage" and "second bypass passage" appearing in original claim 5 would constitute a double inclusion of the element "bypass passage" recited in claim 1. In order to avoid such a confused interpretation of claim 5, the terms "first bypass passage" and "second bypass passage" have been amended in claim 5 to more specifically recite a --first bypass passage section-- and a --second bypass passage section--.

As defined in amended claim 5, such respective bypass passage sections together make up the entire bypass passage set forth in claim 1. Therefore, it is respectfully submitted that no actual confusion exists, and that the features recited in amended claim 5 distinctly claim the subject matter that the applicant regards as the invention. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-6, 9 and 10 were rejected under 35 U.S.C. § 103(a) allegedly as being unpatentable over Peterson et al. (U.S. Patent No. 2,710,595) in view of Bowman (U.S. Patent No. 429,881).

As discussed above, independent claims 1 and 12 recite therein features which have been acknowledged to be allowable over the cited prior art of record. Accordingly, the 35 U.S.C. § 103 rejection is rendered moot, and withdrawal of the rejection is respectfully requested.

For the foregoing reasons, it is respectfully submitted that pending claims 1 to 5 and 8 to 20 are in condition for allowance.

No fees are currently due. Notwithstanding, should it be deemed that any fees, or deficiencies in fees, are due in connection with this or any accompanying communication, such fees may be charged to the attorney's deposit account no. 07-2519.

Respectfully submitted,

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CS-02-040225